

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 918 OF 2020

Shlok @ Golu s/o Vishal Shende

Vrs.

The State of Maharashtra, thr. P.S.O., P.S. Jaripatka, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.R. Thakur, Adv. for the applicant.
Shri S.A. Ashirgade, APP for the non-applicant / State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 18, 2020.

Heard.

2. The applicant is seeking bail in Crime No. 1215/2019 registered at Police Station Jaripatka, Dist. Nagpur, for the offence punishable under Sections 302, 341, 504 read with Section 34 of the Indian Penal Code.

3. I have perused the application, affidavit-in-reply and the charge-sheet.

4. The allegation against the present applicant is that he along with co-accused Raj Mehta and Akash Thapa committed murder of Rushabh Mathne by means of iron rod and iron jhara (used for frying).

5. At the outset, a perusal of the statement of informant shows that though he was present on the spot with the other co-accused and the informant identified him in the identification parade, the informant does not attribute any role to the present applicant. The informant

also does not say that he was having any weapon, on the contrary, informant states that the co-accused – Akash was holding iron rod and co-accused – Raj was holding iron jhara. When he saw that co-accused were assaulting Rushabh Mathne, he went to call other people and when he along with other witnesses came on the spot that time he saw that the injured was lying with multiple injuries.

6. The other witnesses who came along with the informant, in their statements state that they saw the present applicant and other co-accused assaulting the deceased, however, the statements at this stage, appear to be contrary to the statement of the informant.

7. Considering the role attributed to the present applicant and coupled with the fact that the investigation is completed and the charge-sheet is also filed with no criminal antecedents against the present applicant, this Court is inclined to grant him bail. Hence, the following order :

(i) The applicant – Shlok @ Golu s/o Vishal Shende shall be released on bail on executing Personal bond of Rs. 30,000/- (Rs. Thirty thousand only) with one surety in the like amount.

(ii) The applicant shall not issue threats to the witnesses or tamper with the evidence.

(iii) The applicant to attend the concerned police station once in a month i.e. on every first Monday of the month between 12.00

noon and 2.00 p.m.

8. Needless to say that the aforesaid observations are only for the purpose of deciding this application and the same shall not come in the way of the trial Court to decide the trial.

9. The criminal application is disposed of accordingly.

JUDGE

D.S. Baldwa